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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02848 (E)

1502848

Please recycle

Towards Resilient Disaster Management in Jammu and Kashmir

During the past few years climate change has caused several extreme rainfall events in the Himalayas leading to disasters in Uttarakhand and Jammu and Kashmir. Unprecedented floods in Kashmir caused by torrential, prolonged and unseasonal rains in September 2014 were the worst in last one hundred years. The discharge was about 115,000 cusecs against a carrying capacity of 35,000 cusecs to be drained by river Jhelum. The flood and prolonged inundation resulted in heavy loss of lives (225 and 75 persons died in Jammu Province and Kashmir valley respectively), and property with tens of thousands of houses, shops and roads etc. destroyed and damaged. The deluge took the people and the authorities by surprise, as the summer capital Srinagar was submerged and the state machinery and police were all marooned. The quick response by Indian Prime Minister who lost no time in visiting the Valley to personally assess the damage and who promptly announced a slew of relief measures including interim package of 1,775 crore rupees, galvanized the disaster management effort by Indian army and National Disaster Response Force (NDRF) to launch a massive rescue and relief operation to bring the marooned people to safe places, and distribute food, water and medicines to them. Whereas the State government was largely immobilized, voluntary aid poured instantly from all corners of India in a touching demonstration of solidarity and support of the flood victims. Rescue and medical teams and NGO workers from different parts of India rushed to the Valley to render assistance. The national print and electronic media gave full coverage to the devastating floods and the rescue operations in the Valley, helping in mobilizing support from the civil society of India for the flood victims. However, the media coverage focused on the Valley, paying scant attention to Jammu province where eight districts were ravaged by the flooding of Tawi and Chenab rivers.

The floods have thrown up several lessons, which need to be learnt in order to put in place a resilient and effective disaster management programme in the State, so that no such calamities recur in future.

1. Ecological degradation, unplanned development and urbanization, large scale and unbalanced construction of roads and buildings particularly on river banks, encroachment of river beds, lakes and water bodies led to loss of wetlands exacerbating the disaster.
2. According to a 2004 analysis by J&K Remote Sensing Centre, Srinagar and its environs have lost 55% of lakes and wetlands area due to encroachments between the years 1911 and 2004. The area of wetlands went down from 13,428 to 6,407 hectares. The Dal lake in Srinagar has been reduced to over half its earlier size and the Wular lake once spread over 20,200 hectares has shrunk to 2,400 hectares.
3. Though there exist the Jammu and Kashmir National Calamities Destroyed Areas Improvement Act, 1955 and National Disaster Management Act, 2005, the disaster management and response by the State government was virtually missing at and during the time of floods. Even the State Chief Minister Omar Abdullah acknowledged, "I can't remember a single natural disaster in the country where the government tasked with responding was so completely paralysed. We had no way to communicate with anyone, we were totally and completely isolated from everyone and everywhere." (See his article in Indian Express 14 September 2014. pp.1-2.
4. The performance of Indian armed forces and the Valley youth was exemplary through their timely, heroic and humane efforts to rescue the affected people. Two armymen Naik Khem Chand and Meer Owais Hussain were drowned while trying to rescue the people trapped in gushing floods in South Kashmir.
5. Whereas the Indian army came in for praise from all quarters in the Valley for their selfless and heroic rescue efforts against various odds, the separatists came in for flak from the locals for trying to disrupt the Indian army rescue operations. In some stray incidents, some separatists even slashed the boats provided by the army to ferry the marooned persons out of the flood waters to safe places. The stone throwing by some separatists on the rescue teams and even on the helicopters flying at low altitudes for evacuating the people to safety did not deter the Indian army from carrying out its rescue and relief operations. Kashmiris know the truth and have an uncanny sense of understanding as to who helped and who failed them in their hour of crisis.
6. The unprecedented crisis brought out the best in the local people. In Srinagar, policemen and undertrials shared unusual bonding in the worst days of the flood. At the Shaheed Gunj police station in Srinagar, Fayaz a criminal known for his frequent run-ins with the police, jumped into the reging waters several times to save the marooned policemen. In another case, a thief who had eluded cops, joined them to help

rescue a family stuck at the top of a building (See When criminals came to cop's rescue. Times of India, 23 September 2014. p.14.).

7. Wary of corruption and malpractices by sections of local administration, the Valley welcomed central government initiative to send cash relief to the affected people directly through bank transfers to their accounts. Even when the State government asked for about 50,000 crore rupees from the central government for relief and rehabilitation, the local people would like such relief to be disbursed directly to them in order to bypass the local corrupt officialdom. There is also concern over the equitable distribution of central funds for relief and rehabilitation in both Jammu and Kashmir provinces of the State.
8. There is urgent need for dredging river Jhelum, desilt and improve depth of the river, bed grade and also create a parallel spill channel upto Baramulla.
9. The flood protection channel which was built in 1912 and which runs parallel to river Jhelum in Srinagar, needs to be desilted and cleared of encroachments and unauthorized constructions. A comprehensive drainage and sewerage system alongwith unclogging of the waterways including the famous Dal lake of unauthorized constructions needs to be undertaken on a priority basis.
10. That the Indus Waters Treaty of 1960 restricts the Jammu and Kashmir State to have only run-of-the river hydel projects for generating electricity, has exacerbated the problem. Since no construction of dams including the Wular navigation project has been done due to objections raised by Pakistan, the water storage capacity in the Valley is limited due to the Treaty provisions. These dams if built could hold large quantities of water and save the State from any such inundation. Further, it would also keep the water levels stable and prevent any overflow across the border into Pakistan held territory. This practical aspect coupled with the climate change patterns and extreme weather conditions in the Himalayan region, need to be viewed realistically to enable the Jammu and Kashmir State enhance its water storage capacity through the construction of dams. This will result in a win-win situation for India, Pakistan and Kashmir.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society of Iranian Women Advocating Sustainable Development of Environment, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[07 February 2015]

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Please recycle

Human Right and the Environment*

We are part of an environmental chain where life of all creatures whether small or large is interrelated. When a link in this chain is broken or damaged the whole chain is destroyed. Human beings, as the only creature with the ability to foresee the consequences of various actions, have the power and the responsibility to protect this living chain – this environmental system.

Despite of the fact that in recent years much attention has been given to the environmental projects but it is not enough. Greater economic resources are needed to be guided towards environmental projects.

As it is today, many power stations and traffic systems need to be renewed so as to reduce the effect of climate change and the warming of the earth. Poor countries cannot afford such expenses. So the problem is not sufficiently addressed.

Smugglers do their share of damage by destroying forests and wild life. Obviously they should be stopped. We are all affected by the destruction of the living chain. Not only rain forests but all forests provide oxygen for the planet. But again it becomes an economical matter, for many countries do not have the budget , knowledge or intention to protect the eco system and to preserve life.

Climate change, the melting of glaciers, and the warming of the waters tsunamis, hurricanes are all mother earths reaction to mankind's violation of the laws of nature and her attempt to once again create balance. Just try to imagine what people who are affected by natural disaster, wars, and the rise of sea level, drought and starvation go through.

There are countries that change the course of the rivers by building large dams. Thus they prevent the waters reaching other landscapes or countries as nature intended. Sandstorms deplete the earth thus disabling farmers to grow crop. This is especially disastrous in dry countries. People will be forced to find new homes for they can no longer live on the land of their birth. And this is already happening. The question is where can they go? How can we make their lives count?

The sanctions and the attempt made to keep oil prices down, affects the oil producing and developing countries that have to exchange oil for food and other life preserving products. These sanctions are symbolic acts that have little or no effect on governments but it impacts the life of ordinary people with primary needs like food shelter, medication and schooling.

On a final note it is important for all of us to walk or talk; to live up to what we confess as our ideals. Humanitarian principles are not just values that other people should respect but all the activists on socials, economic, and political issues too. Going against humanitarian values sooner or later affects all of us, all the species, and life on the earth. And care for the environmental chain is not something that comes into and goes out of fashion depending on whether economic interests can be preserved.

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* Association of women combating Environmental pollution, an NGO without consultative status, also shares the views expressed in this statement.

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Human Rights Council
Twenty-eighth session
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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

The Human Rights Situation in Colombia

Amnesty International reiterates its support for the work of the High Commissioner's Office in Colombia and welcomes the renewal of the Office's mandate until 31 October 2016.[1] Its monitoring role has been particularly important in exposing the abuses that have been the hallmark of the long-running armed conflict, and the Office will be instrumental in ensuring that respect for human rights, including the right of victims to truth, justice, reparation and guarantees of non-recurrence, are placed at the heart of the peace process.

This statement presents an overview of Amnesty International's concerns in Colombia, with a focus on 2014, and recommendations to the HRC.

The peace process

The peace talks between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) continue to make progress. The two sides have reached partial agreements on three of the six agenda items, and issued a 10-point declaration on the fourth agenda item on victims' rights. The willingness of the two sides to begin talks on a bilateral ceasefire, following the FARC's decision to implement a unilateral ceasefire in December 2014, and the possibility of formal talks between the government and the National Liberation Army (ELN), also bode well for efforts to put a definitive end to hostilities.

In the 10-point declaration on victims' rights, the government and the FARC acknowledged their responsibility in human rights violations and abuses and that victims' rights lie at the heart of the peace negotiations and are non-negotiable. These commitments are long overdue. However, the two sides have failed to make an explicit commitment to guarantee justice for all victims of the conflict in line with international human rights law. This, coupled with government efforts to promote legislation that would make it more difficult to prosecute alleged perpetrators in ordinary civilian courts, could undermine the long-term viability of an eventual peace agreement.

Human rights defenders and communities and groups at risk

In spite of the peace process, the security forces and paramilitaries, either acting alone or in collusion with each other, as well as the FARC and ELN, continue to commit human rights violations and abuses and violations of international humanitarian law (IHL), especially against Indigenous, Afro-descendent and peasant farmer communities, women and girls, human rights defenders, community leaders, trade unionists and land claimants.

At least 40 human rights defenders were killed in the first nine months of 2014,[2] and 20 trade union members were killed in 2014 as a whole.[3] There was also an increase in mass death threats against human rights defenders, peace and land activists, politicians and journalists towards the end of the year.

Concerns over the safety of victims and human rights defenders has also been heightened after some 160 paramilitaries became eligible for release from prison after having served the maximum eight years stipulated in Law 975 of 2005, through which thousands of paramilitaries supposedly laid down their arms in a deeply flawed government-backed demobilization process. Many of them, including high-ranking leaders on remand, are expected to return to their original areas of operation where many of their victims still live.

The State's National Protection Unit (UNP) offers physical protection measures to thousands of individuals at risk, including human rights defenders. But it continues to suffer from weaknesses, including delays in implementing protection measures. Last year, the UNP was mired in a corruption scandal, and acknowledged that it would withdraw protection measures from some individuals because of a budget shortfall. Amnesty International insists that to effectively protect those at risk, the authorities must ensure that those suspected of criminal responsibility for human

[1] UN Index: A/HRC/28/3/Add.3, not published yet at the time of writing.
[2] http://www.hchr.org.co/publico/comunicados/2014/comunicados2014.php3?cod=19&cat=94
[3] Escuela Nacional Sindical, Sistema de Información en Derechos Humanos, SINDERH.

rights abuses and violations are brought to justice. However, criminal investigations in this regard have made little progress.

Impunity

Impunity continues to be a defining feature of the conflict. Government support for measures to shield alleged perpetrators, such as the Legal Framework for Peace, throws into doubt its commitment to victims' right to truth and justice. In October 2014, the government presented two bills to Congress, both still under discussion. The first seeks to expand the crimes that could be considered acts of service under the remit of the military justice system. The second could have the effect that human rights violations committed by the security forces would not be investigated as criminal actions, but rather in a manner to determine whether or not they constitute serious violations of IHL. This could result in those responsible being able to escape criminal prosecution by presenting their crime as a proportionate action in the course of an armed conflict.

In addition to these two bills, Congress is currently also debating Senate Bill No. 85, which lists several crimes to be dealt with exclusively by the military justice system, including homicide and other serious violations of IHL, and other offences to be excluded from military jurisdiction, including crimes against humanity, extrajudicial executions and sexual violence. However, since these crimes are not typified as such in the criminal code it would be left up to military prosecutors to define the nature of a crime. This could result in some human rights violations not being defined as such and thus remaining within the remit of the military justice system. In September 2014, 12 UN human rights experts warned that Senate Bill No. 85 would be a step backwards for human rights.[4]

The jurisdiction of military courts over criminal cases should be limited to trials of military personnel for breaches of military discipline to the exclusion of any crimes under international law (genocide, crimes against humanity, war crimes, torture, enforced disappearance, extrajudicial executions) and human rights violations.[5]

Land restitution[6]

The failure to ensure the fair distribution of land lies at the heart of the conflict. Official estimates suggest that some 8 million hectares of land have been abandoned or dispossessed during the conflict.[7] This has mostly affected land occupied by peasant farmers and territories collectively owned by Indigenous and Afro-descendent communities. The Victims and Land Restitution Law, which came into force in 2012, is an important first step towards ensuring that the right of some of the victims of the conflict to full reparation, including land restitution, can at last be realized.

However, the Law remains seriously flawed, with many victims excluded from its provisions, and its implementation beset by difficulties. Many national and regional state institutions lack the capacity and resources, and often the political will, to effectively implement the Law. The land restitution process has been further undermined by opposition from some local and regional political and economic elites. The government is also promoting legislation that, coupled with other existing laws, could make it easier for individuals and companies living or operating on land illegally acquired through human rights abuses and violations to legalize the occupation of large tracts of lands.

In 2010, the government claimed it would return two million hectares of land to their rightful occupants by 2014. However, only some 80,000 hectares has been adjudicated by land restitution judges and magistrates thus far. Even in those few cases where land has been adjudicated to the rightful occupants, many of those wishing to return to their land have been unable to do so because of the poor implementation of measures to ensure they can sustain themselves economically and in safety. Land claimants and those representing them, including human rights defenders and state officials, continue to be threatened and, in some cases, killed, mostly by paramilitary groups.

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[4] http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15116&LangID=S.

[5] See Amnesty International, Fair Trials Manual, para 29(4) (Index: POL30/002/2014).

[6] See Amnesty International, Colombia: A Land Title is not Enough – ensuring sustainable land restitution in Colombia, November 2014 (Index: AMR 23/031/2014).

[7] National Centre of Historic Memory, ¡Basta Ya! Memorias de Guerra y Dignidad, 2013.

Role of the international community

The international community has a critical role to play in ensuring that the right of victims to truth, justice and reparation and guarantees of non-recurrence, including sustainable land restitution, can be realized in line with international human rights standards. It must insist that these rights are essential to ensure that Colombia can enjoy a lasting and effective peace.

Amnesty International therefore urges HRC members and observers to:

- Raise these concerns and recommendations in the HRC debate and in bilateral dialogues with the Colombian government.
- Insist that the parties to the conflict implement fully and without delay the High Commissioner's recommendations and those of other UN bodies, which offer a blueprint for ending human rights abuses and violations.
- Call on all parties to put an immediate end to human rights abuses and violations, and desist from any measures or actions that put civilians at risk.
- Urge the government to take decisive action to guarantee the safety and comprehensive protection of communities and groups at risk.
- Call on the government to take effective steps to dismantle paramilitary groups and break up any links these groups have with state agents, and sanction in ordinary civilian courts those responsible for colluding with such groups.
- Urge the Colombian authorities to effectively and independently identify, investigate, and prosecute in ordinary civilian courts all those suspected of criminal responsibility for human rights abuses and violations and serious violations of IHL.
- Urge the Colombian authorities to withdraw support for or repeal legislation, such as the reform of the military justice system and the Legal Framework for Peace, which will shield human rights abusers from justice.
- Urge the government and guerrilla groups to acknowledge that respect for human rights and an end to impunity must be a central component of the peace talks.
- Call on the Colombian authorities to urgently address the serious deficiencies in the Victims and Land Restitution Law and in its implementation.

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Written statement* submitted by the Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Right to Culture: Necessary for Continued Post-MDG Goals

Following the initiation of the Millennium Development Goals (MDGs), many individual actors as well as nations have encouraged the importance of culture as both the driver and the product of development. Additionally, the Special Rapporteur on the Right to Culture has spoken extensively on the right to culture, and country's memorialization of history through textbooks.[1] The Right to Culture can not only drive sustainable development, but also serves as an important tool influencing how citizens understand and respect their culture and cultural differences, for these reasons the Human Rights Council should renew the mandate of the Special Rapporteur and recommend that culture be included in the agenda for the post-MDGs.

This statement will cover two examples.

I.The Mandate Should Be Renewed because Culture is a Driver and a Goal of Sustainable Development.

Culture is a path out of poverty through sustainable development. A "one-size-fits-all" development approach will never be appropriate; however, culture as a driver for development uses the unique attributes and knowledge of each culture. It fosters participation in development at the lowest, local levels of a society and creates a more balanced and meaningful development model for the people and by the people.

Culture has become increasingly important to sustainable development at most levels of development planning. In fact, it is an increasingly self-identified factor for development in many countries. In 2008, culture was mentioned in fewer than 30 per cent of the United Nations Development Assistance Frameworks (UNDAFs); however, in 2013 culture's importance is highlighted in more than 70 per cent of UNDAFs.[2]

In particular, travel and tourism has been experiencing a period of unprecedented growth and is one of the leading economic sectors. With over one billion international tourists in a single year, tourism represents 9% of world gross domestic product (GDP); 30% of total exports and services; and one out of eleven jobs across the globe.[3] The World

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[1] Special Rapporteur on Right to Culture, Cultural Rights, U.N. Doc. A.68/296 (Aug. 9, 2013), at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/422/91/PDF/N1342291.pdf?OpenElement.

[2] Culture in the Post-2015 Sustainable Development Agenda Why Culture is Key to Sustainable Development. http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/Post2015SustainableDevelopmentAgendaENG.pdf.

[3] GA Thematic Debate: Culture Deserves Recognition in the Post-2015 Agenda. http://www.un-ngls.org/spip.php?page=article_s&id_article=4441.

Bank has found that in some of the poorest countries in the world, 25% of tourism revenue goes to people who live on less than US$1.25 a day.[4]

Due to the continued growth of both culturally-based development projects and the importance of tourism, it is necessary that the post-MGDs include culture on the agenda so that sustainable development can be carefully managed.

Sustainable Development, Culture, and Cambodia

In post-conflict areas or areas that have been hit by disasters, such as Cambodia following the Khmer Rouge (KR) genocide, rehabilitating cultural heritage and encouraging cultural activities can help enable the communities concerned to rebuild their identities and regain a sense of normality, helping them to heal the scars of wars or catastrophes. One major example of this has been the rehabilitation of the site of Angkor in Cambodia, in which the international community has worked for over twenty years to help reunite a nation torn by the internal and regional conflicts.[5]

A. Sustainable Development, Culture, and the United States

The United States has been taking proactive steps in recognition of the threat that cultural expropriation and tourism can have on a country's cultural groups. Statutes, like the Native American Grave Protection and Repatriation Act (NAGPRA) and the National Museum of the American Indian Act (NMAI), were enacted to potentially repair the damages caused by colonization practices, as well as to celebrate the diversity of American heritage.[6]

By returning lost culture to its original owners and caretakers, communities can assert their right to maintain, exhibit, and control their cultural patrimony according to their customs. This reinforces the Special Rapporteur's mandate to sensitize institutions to diverse cultures by encouraging dialogue to resolve contentious issues of resolving ownership of history and culture.[7]

These laws are a positive step forward in providing regulations for the protection of culture, as well as providing positive examples of ways in which culture can stimulate the economy through tourism and education.

1. **Culture must be integrated in the post-2015 goals because textbooks and teaching history in post-conflict countries influence the experiences of citizens and their practice of culture.**

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[4]: Andrew Holden, Tourism, Poverty and Development (Routledge, 2013).

[5] UNESCO, Conservation and Restoration of Angkor War Temple, http://www.unesco.org/new/en/phnompenh/culture/tangible-heritage/conservation-and-restoration-of-angkor-wat-temple/

[6] National Museum of the American Indian, Repatriation, http://nmai.si.edu/explore/collections/repatriation/.

[7] Carole E. Goldberg, A United States Perspective on the Protection of indigenous Cultural Heritage (Edward Elgar Publishing Ltd., 2012).

Most, if not all, societies today face challenges in writing and teaching history, in particular countries that have seen international or internal conflicts in their past; including post-colonial societies; societies that have experienced slavery; and societies challenged by cultural divisions. The Special Rapporteur considers the issue from the perspective of the right of all persons to have access to cultural heritage, based in particular on article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights.[8]

The ability of people to have access to and have their own cultural heritage and that of others acknowledged. Having access to information and education and to develop critical thinking and an understanding of the realities and perspectives of others is a right owed to all people, and understanding history is key to developing a tolerant society. History is an academic discipline based on rigorous and systematic research of historical sources using confirmed methods and providing ascertainable results, and should be treated as such.

A. History and Memorialization, Culture, and Cambodia

Understanding history enables people, especially the young generations from countries that have experienced conflict, to better understand their cultural heritage as well as creating tolerance for other cultures. However, this vitally and emotionally sensitive issue remains largely absent from school curriculums in Cambodia.

Research shows that young generations know very little about the history of the KR, and many young Cambodians do not believe that their parents and relatives experienced such hardship and suffering during that period. In addition, the Cambodian Ministry of Education, Youth and Sports claims that it lacks resources to teach the history of the Cambodian genocide. Moreover, teachers lack training to teach effectively about genocide.[9]

During the 1980s, Cambodian school children were taught about the KR in politically charged ways. The Cambodian society prioritized economic recovery and the KR genocide became a folktale for Cambodians who were born after the regime. After 1993, the issue of KR genocide was removed from the school curriculum for reconciliation and political stability. [10] In 2002, the Cambodian government ordered the withdrawal of a section of Cambodian modern history between 1953 to the 1998 national elections, which included the KR.[11]

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[8] International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171; S. Exec. Doc. E, 95-2 (1978).
[9] Khamboly Dy, "Challenged of Teaching Genocide in Cambodian Secondary Schools" Policy and Practice: Pedagogy about the Holocaust and Genocide Papers (2013).
[10] Yair Auron, The Pain of Knowledge: Holocaust and Genocide Issues in Education (Transaction Publishers, 2005).
[11] Pin Sisovann, "Prime Minister Orders Recall of Textbooks," The Cambodia Daily, April 29, 2002.

The Documentation Center of Cambodia established the Genocide Education Project. The aim of the project is to provide the tools necessary for teachers and the Ministry to education to properly teach Cambodians about the KR.[12] The result is the hundred-page textbook, "A History of Democratic Kampuchea." Copies of the book were distributed and were well received by students, teachers, researchers and the public. Two hundred fifty-nine secondary schools throughout the country received one thousand five hundred copies.

B. History and Memorialization, Culture, and the United States

According to the National Assessment of Educational Progress, the federally administered test results released in June 2011, the area in which U.S. students perform most poorly is U.S. history. According to the results, only 12 percent of high school students were proficient in U.S. history. [13]

In terms of history education, the United States faces two problems. First, as the Nation's Report Card indicates, students know very little history.[14] Second, much of what is included is extremely partial or even incorrect, including the notion that Moses and Solomon inspired American democracy and that in the era of segregation schools for black children were only "sometimes lower in quality."[15]

History, and history textbooks are not treated as scientific documents or tools for academic endeavors. Instead textbooks are written to shape the opinions of students, not to encourage free development of their own opinions.

II. Recommendations

Human Rights Advocates urges the Human Rights Council to:

1. Renew the mandate of the Special Rapporteur on culture; and,
2. Request that the General Assembly include the right to culture in the post-MDG Goals.

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[12] Khamboly Dy, "Teaching Genocide in Cambodia: Challenged, Analyses, and Recommendations" http://www.hurights.or.jp/archives/pdf/education12/hreas-12-12-cambodia.pdf.

[13] Kuznick, Peter, "The Problem with America's Textbooks," Huffington Post. http://www.huffingtonpost.com/oliver-stone/the-problem-with-america-history_b_2059593.html.

[14] Long, Cindy, Stagmant NAEP Scores Indicate Need for More Education," http://neatoday.org/2014/05/09/stagnant-naep-scores-indicate-need-for-more-education-resources/.

[15] Strauss, Valerie, "Proposed Texas textbooks are inaccurate, biased, and politized, new report finds" Washington Post. http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/09/12/proposed-texas-textbooks-are-inaccurate-biased-and-politicized-new-report-finds/.

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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Please recycle

Sri Lanka: Promises of a new beginning - international cooperation is essential to ensure justice, accountability and an end to impunity

Early in 2015 Sri Lankans elected a new President with promises to implement Constitutional and other changes that could usher in a new era and better protection of human rights.

Amnesty International welcomes official commitments to end impunity and promote the rule of law in Sri Lanka, pursue reconciliation between all communities, and rebuild Sri Lanka's international relationships. Amnesty International is hopeful that these promises will translate into prompt action to repair the enormous damage done to human rights and the rule of law in Sri Lanka over past decades. We acknowledge in particular the importance of Sri Lanka's actions to restore the independence of the judiciary and other institutions essential to the protection and promotion of human rights by remedying the unconstitutional dismissal of the former Chief Justice and restoring constitutionally independent checks on executive power.

For years, Sri Lanka's human rights record has stood in stark contrast to its international obligations. Government assaults on judicial independence have eroded the effectiveness of the justice system, leaving Sri Lanka's citizens without the guarantee of legal recourse when their rights have been violated. The Government's failure to address violent attacks and acts of discrimination against religious and ethnic minorities threatened the safety of Sri Lankan citizens and intensified communal divisions, pushing reconciliation further out of reach. Restrictions on freedom of expression and assaults on dissent were commonplace, and attacks on those speaking out were committed with impunity. There has been a near complete lack of accountability for crimes under international law committed in the course of the long armed conflict between government forces and the Liberation Tigers of Tamil Eelam (LTTE). These are the conditions that led the Human Rights Council (HRC) in March 2014 to request the Office of the High Commissioner for Human Rights to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka.

Under the preceding Presidency, government officials and their political supporters threatened, sought the arrest of and assaulted activists and journalists – especially those advocating human rights accountability or attempting to engage with the HRC. A pattern of arrests and harassment of those challenging official denials of human rights violations occurred around successive HRC sessions as Sri Lankan authorities attempted to prevent information about human rights violations from reaching the UN and to discredit and retaliate against activists who spoke out about the violations. None of the incidents known to Amnesty International were effectively investigated, and no prosecutions were initiated.

The Sri Lankan government has promised to take action to end impunity, which persists for grave human rights violations. The legacy of impunity in Sri Lanka stretches back years, and includes violations and abuses committed before and during the long armed conflict and since it ended. Much needs to be done. No one has been held accountable for the January 2006 extrajudicial executions of five students in Trincomalee by Sri Lankan security personnel or for the killing of 17 aid workers with Action Contre La Faim in August 2006 despite credible reports in both cases identifying armed service personnel allegedly responsible and repeated government claims over years that authorities were investigating. The new government has pledged to re-investigate high profile killings, including the January 2009 murder of newspaper editor Lasantha Wickrematunge. It should add the ACF case and the Trincomalee case to their list of priority cases, as well as the case of the disappearances of dissident cartoonist Prageeth Eknaligoda in 2010, and political activists Lalith Weeraraj and Kugan Muruganandan in 2011 – who were helping families of the disappeared to organize a demonstration against military abuse of civilians in the north.[1]

Sri Lanka has ratified most core UN human rights treaties and has an obligation to respect, protect and fulfill human rights. As a member of the United Nations, Sri Lanka is obliged to give the UN every assistance in any action it takes in accordance with the Charter, including promoting and encouraging respect for human rights and freedoms. This includes cooperation with the HRC mandated Investigation by the Office of the High Commissioner for Human Rights

(OISL) into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka. Past repudiation of the Investigation by Sri Lanka's leadership was also a rejection of its international obligations, and had a very negative impact on Sri Lanka's international reputation and relationships.

President Maithripala Sirisena and other newly appointed officials have promised Sri Lanka will reform errant systems and conduct domestic investigations into alleged crimes under international law, including allegations that both Sri Lankan forces and the LTTE committed war crimes during the armed conflict. Commitments have also been made to investigate high profile killings of a journalist and two politicians. This is appropriate and welcome, assuming that the investigations are conducted promptly and in good faith, with independence, adequate resources and effective witness protection. Where sufficient admissible evidence exists, they should lead to the prosecution of those suspected of the crimes, regardless of their rank or status. This should include military and civilian superiors who knew or should have known about the commission of crimes under international law and did not take measures to prevent them or punish those responsible.

Amnesty International has documented Sri Lanka's long history of ad hoc commissions of inquiry that have not delivered justice.[2] Political will is necessary to change that.

Domestic investigations will not negate the need for continued international action and engagement to ensure justice and accountability in Sri Lanka, or Sri Lanka's need to cooperate with the UN, including OISL. The Sri Lankan government has committed to a large number of important reforms in a very short period of time. International expertise and technical assistance could help it to fulfil its reform agenda, particularly where truth seeking, reparation and justice are concerned. The OISL should be viewed as a resource. The UN's offers of technical assistance also provide an opportunity for more effective international cooperation. The adversarial relationship promoted by Sri Lanka's former leadership vis-à-vis the United Nations was unhealthy and unproductive. The Sri Lankan government has now vowed to "prioritize" its engagement with OHCHR. Amnesty International cannot stress enough the need for a thorough accounting and justice for the victims of violations and abuses and their families.

Amnesty International urges the HRC to ensure:

- Where OISL uncovers sufficient admissible evidence of crimes under international law committed by Sri Lankan government forces, allied armed groups or by the LTTE, that information contributes expeditiously to a genuine prosecutorial process of those suspected of the crimes in proceedings that fully conform with international standards for fair trial, as well as truth and reparation for victims, taking advantage of both Sri Lankan and international expertise;

- Ongoing international monitoring of the implementation of the OISL recommendations and the human rights situation in Sri Lanka, including the effectiveness of domestic investigations and prosecutions; and

- Strengthened UN efforts in engaging with the Sri Lankan government to prevent intimidation or reprisals committed or tolerated by government officials, government and opposition supporters or others against individuals who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights.

Amnesty International reiterates its call to the Government of Sri Lanka to:

- Cooperate fully with OISL, OHCHR and UN Special Procedures including in particular the Working Group on enforced or involuntary disappearances; the Special Rapporteur on torture; the Special Rapporteur on extrajudicial executions; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, including by responding positively to their outstanding requests to visit Sri Lanka and by providing them with full access;

- Ensure that all allegations of crimes under international law are fully investigated and, where sufficient admissible evidence exists, those suspected of the crimes are prosecuted in genuine proceedings before independent and impartial courts that comply with international standards for fair trial;

- Ensure that the truth is established regarding crimes under international, including the fate and whereabouts of disappeared persons, and that victims are provided with full and effective reparation to address the harm they have suffered;

- Implement with vigour its plans for constitutional changes aimed at guarding the independence of the judiciary and key institutions critical to the protection and promotion of human rights;

- Create a more enabling climate for human rights defenders by ensuring the protection of the rights to freedoms of expression, peaceful assembly and association, and demonstrating unequivocally that harassment, intimidation and attacks against individuals or groups of individuals exercising those rights will not be tolerated, regardless of the peaceful opinions such individuals hold and express, and regardless of the position or political affiliation of the suspected perpetrator;

- Ensure an end to identity-based violence and ensure an effective investigation of such crimes when they take place;
- Review detention orders and custodial records to ensure that no detainee is being held arbitrarily and release all detainees, including all persons held in detention centres, 'rehabilitation' facilities and other places of detention unless they are charged with internationally recognizable crimes; and

- Repeal the Prevention of Terrorism Act and abolish the system of administrative detention.

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[1] Urgent Action: Sri Lanka: Fears for missing Sri Lankan activists: ASA 37/018/2011, 13 December 2011, http://www.amnesty.org/en/library/info/ASA37/018/2011/en; see also, Sri Lanka: Ensuring justice: Protecting human rights for Sri Lanka's future, ASA 37/011/2014, 7 October 2014, pg.23, http://www.amnesty.org/en/library/asset/ASA37/011/2014/en/4c09c88e-a298-4cba-bdee-4b6a077ef55a/asa370112014en.pdf

[2] Sri Lanka: Twenty years of make-believe. Sri Lanka's Commissions of Inquiry, ASA 37/005/2009, 11 June 2009, http://www.amnesty.org/en/library/info/ASA37/005/2009/en

United Nations A/HRC/28/NGO/6

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 6
Universal Periodic Review

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02842 (E)
1502842

Please recycle

Lebanon & UPR recommendations

In November 2015, it is supposed that Lebanon submit its second national report about human rights situation in Lebanon, in front of the UPR session (UPR) at the Human Rights Council at the UN headquarters in Geneva .
Lebanon has submitted its first national report in front of the ninth session of the Group on the Universal Periodic Review in November 2010, where Lebanese government pledged in front of the UN Human Rights Council in March 2011 to strengthen the human rights situation and to implement the 41 recommendations raised by 49 countries .
These recommendations will be accountable to Lebanon about the extent implemented in the UPR session in November 2015 in Geneva .
Most of the recommendations have not materialized, and the Lebanese government did not put a practical mechanism to implement the recommendations and no systematic coordination with the main partner, the civil society organizations .
Among the most prominent recommendations that Lebanon do not implement, including :
1. Do not establish a national preventive mechanism to prevent torture. Where it was supposed its inception in 2009 (5 years delay) after Lebanon ratified the Optional Protocol to the Convention against Torture .
2. Do not establish the National Foundation for Human Rights, according to the Paris Principles .
3. Do not establish a National Independent Commission to investigate the fate of missing persons and victims of enforced disappearance and failure to ratify the International Convention for the Protection of All Persons from Enforced Disappearance .
4.Do not address the serious issue of prisons, slowness in trials and improve the health and social conditions of the prisoners .
5. Establishment of the Directorate General for Human Rights in the Ministry of Justice .
6. Modify the relevant legislation to harmonize the definition of torture in domestic laws and the criminalization of torture .
7. Activation amendments labour law and social security law that Palestinian refugees have the right to work .
8. Establishment of a coordination mechanism at the national level to provide and monitor the implementation of the commitments which falls on the government under the treaties .
9. Submission of periodic reports overdue provided under treaties and conventions to which Lebanon were joined, including :
A. The Convention Against Torture, signed by Lebanon in 2000, late in submission of the initial and periodic report **15 years .**
B. International Covenant on Civil and Political Rights, Lebanon late in submission of it's third report since 2001, **13 years .**
T.. Report of the International Convention on the Elimination of All Forms of Racial Discrimination, since 2006, **late 9 years .**
W. Periodic report on the International Covenant on Economic, Social and Cultural Rights, since 1995, was delayed **19 years .**
C. Convention on the Rights of the Child, for late submission of the report the league since 2010. Etc ..... .
10. .Ratification of a number of international conventions includes :
•Failure to ratify the International Convention for the Protection of All Persons from Enforced Disappearances, despite the government's announcement in its ministerial statement in 2009 to work for the ratification of the Convention .
•Failure to ratify the UNESCO Convention for the protection and promotion of cultural expressions .
•Failure to ratify the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights .
•Failure to ratify the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol on children in armed conflict .
•Not joining the 1951 Convention relating to the Status of Refugees and the Protocol .
•Do not amend the law on nationality so that all Lebanese women married to foreigners to grant their nationality to their children and husbands .
•Not to amend the personal status law to ensure the rights of women, particularly with regard to dissolution of marriage, child custody and inheritance, and divorce. Cancelation of the current sponsorship system for foreign workers.
•Do not abolish the death penalty .

This is the tip of the iceberg official negligence in the fulfilment of Lebanon obligations in front of the highest authority of international human rights and that will give a bad image of Lebanon because of the failure to fulfil the implementation of what promised .

We do not deny that Lebanon is passing through a difficult transformation sometimes without doing full duties, but do not deny that there have been attempts to implement a number of recommendations, some projects in the inclusion of the parliament, but all this do not justifies this reluctance grave, which amounts to a scandal in the implementation of the recommendations and the preparation of reports, as how it can be justified delay for providing some reports 19-year-old or 15-year-old this is shameful for Lebanon? Whatever the situation we do not find a justification for it because the Lebanese governments did not establish successive coordinating mechanism or device at the official level to prepare such reports, and therefore cannot say that the security conditions are the cause .

Also, the government did not organized a dialogue with the civil society organizations to coordinate and filling gaps that will make embarrassing in front of the Lebanese government accountable for the preparation of reports and implement the recommendations promised by Lebanon .

So hopefully the utmost speed to start preparing a governmental workshop and parliamentary cooperation with stakeholders and all civil society organizations and the formation of a coordination committee to prepare the required reports and put a calendar process to implement the recommendations through a serious dialogue between the government and the Lebanese and the Palestinian society and expand this dialogue to include most of the activities of humanitarian and economic, social and expand this dialogue to hold a national conference in preparation for the big event, which will be international terminal on human rights in Lebanon, where the last stage is exceeded, despite the difficulties and troubled political situation .

United Nations A/HRC/28/NGO/7

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02843 (E)
1502843

Please recycle

Bahrain's Human Rights Situation

The Bahraini authorities have utilized an array of suppressive practices to curtail freedoms and restrict the activities of many NGOS and activists. There have been clear infringements against signed and ratified international agreements and lack of execution of the Bahrain Independent Commission Inquiry (BICI) and UN Human Right's Council Universal Periodic Review recommendations.

In the year 2014 human rights situation in Bahrain has been particularly distressing, with the situation as grave as it was during BICI investigations. Not one person has been sentenced for the numerous extrajudicial killings and torture that occurred over the last few years. Pushing human rights organizations to seek courts in France and UK to submit a case against son of the King and torture-implicated royal, Nasser bin Hamad Al Khalifa.

Human rights activists have continued unrelentingly to inform the international community, from communications with human rights delegations and international human rights organizations to participation in international human rights conferences.

The Bahraini authorities have exploited the judiciary in Bahrain to punish and silence human rights activists like Nabeel Rajab and Maryam Alkhowaja whom have been casually targeted and imprisoned, and issuing long and harsh sentences arbitrarily, like life imprisonment for many and execution for four activists.

In 2012, 31 Bahraini citizens, from opposition members to activists, were stripped of their Bahraini citizenship. In 2014, 21 prisoners were added to the revocation-decision list. Just a few weeks ago, 72 Bahrainis, from an array of disciplines, were stripped of their citizenship, with the vast majority of those stripped of their nationality now stateless.

Opposition figures have been particularly targeted, with the secretary general of al Wefaq, Sheikh Ali Salman, arrested at the end of 2014, chairman of al Wefaq's consultative council, Jameel Kadhim, facing imprisonment, and deputy secretary general of al Wefaq, Khalil Marzooq, was trailed.

Since the last year, Bahraini security forces have killed 12 Bahrainis and no one has been held accountable.

Building on the above research regarding Bahrain's human rights situation, and by monitoring cases of violations committed during the 2014, we suggests the following recommendations:

1) For the Bahraini authorities to implement the recommendations that they accepted in 2011 and 2012, which includes all of the recommendations presented in the Bahrain Independent Commission Inquiry (BICI). BICI shed light on an array of violations, which have been documented and confirmed, which were carried out by Bahrain's security apparatus during a period of no more than two months.

2) For the Bahraini authorities to implement the accepted 158 out of the 176 recommendations presented by the Universal Period Review carried out by the UN Human Rights Council. The Bahraini authorities cannot interpret the recommendations to a degree that make it unreflective of the real legal objectives.

3) For the Bahraini authorities to allow all UN Special Rapporteurs entrance in Bahrain to carry out their specific obligations. The performance of their duties have been assigned to them by the mandates of the General Assembly of the United Nations, the UN High Commissioner for Human Rights and the recommendations presented by the Universal Periodic Review in May 2012.

4) Allocate a time within the near future for the UN Special Rapporteur on Torture to visit Bahrain and carry out his obligations designated to him by the General Assembly of the United Nations and the UN High Commissioner for Human Rights, and to openly present his findings.

5) For the Bahraini authorities to cease all repressive practices and violations that are carried out against those exercising freedom of opinion and peaceful protesting, which are enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights .

6) Release prisoners imprisoned because of freedom of opinion without delay, regardless of their political, religious or ideological affiliations. Also, cease all unfair trials that lack the required balanced judicial conditions. Further, reconsider the convictions that did not properly observe detainees rights and carried out through unfair trials.

7) Stop the execution sentences against activists, and release death row prisoner Ali al-Taweel from solitary confinement, who has remained there for the last 3 months.

8) For the Bahraini authorities to dismiss torturers and human rights violators, to edge towards transitional justice.

9) Return those that have been dismissed from their work because of the political events that unfolded in the country, with full and retrospective compensations given to them.

10) Dismiss the foreign military entities in the country, to protect the sovereignty of the country and preserve civil and human rights from further violations.

11) Cease political naturalization, which has posed significant negative consequences on economical and social facets. Causing a strain on the employment opportunities, health services, benefits service, housing allocation, and school places, with the majority of opportunities and benefits handed directly and discriminately to the newly naturalized.

United Nations A/HRC/28/NGO/8

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Human Rights Council
Twenty-eighth session
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02847 (E)
1502847

Please recycle

Humanitarian violations committed against the Shia population of Bahrain

Khiam Rehabilitation Center for Victims of Torture & BHRO would like to highlight the serious humanitarian violations committed against the Shia population of Bahrain. Whilst both the 1973 and 2002 Bahrain constitutions confirm the principle of equality of all citizens, including legal, civil and political rights, this has not been case for the Shia majority. Since 2011, positions for public office including judges, ministers and advisers have been directly appointed by the government. However, even though Bahrain's Shia is a majority, they are a minority in all constitutional and administrative branches of the country. They occupy only 15% of the executive branch, 12% of the judiciary, 10% of government bodies and companies, and only 1% of the security apparatus, which includes the army. Furthermore, according to the Bahrain Independent Commission Inquiry Report (BICI), thousands of Shia has been made redundant from their jobs since 2011.

Since the protests of 2011, 38 Shia mosques have been demolished and an additional 8 Shia Islamic Centres have been vandalised. The Shia Islamic Council was forcibly closed in January 2014. The government has over the last few months revoked the citizenship of at least 93Shia citizens including a prominent Bahraini religious scholar, Ayatollah Al-Najati, who was deported. The increasingly harsh and violent treatments carried out by the security forces in Bahrain against the Shia population, and the raids on Sheikh Isa Qasim's home yesterday is one of many methods of abuse directed at Shia prominent figures.

House-raids are a common occurrence in Bahrain, with houses in the villages especially, raided daily and consistently for the last 4 years. Many of the arrests have occurred directly from these house-raids, with furniture and household items vandalised or destroyed in the process.

There are reportedly over 3000 Bahraini political prisoners in Bahrain, all imprisoned after the protests in 2011. Many have complained of torture and inhuman treatment, and the UN Special Rapporteur on Torture has been repeatedly denied entry to examine the prisons.

Execution sentences have been handed to 4 Bahrainis since the uprising.

Recommendations

1. For the United Nation Human Rights Council to oblige the Bahraini authorities to observe UN legislations and standards, and international declarations and covenants.
2. For the Bahraini government to carry out the recommendations suggested by BICI Report in 2011 and the UN Human Rights Council's recommendations in 2012.
3. We recommend that the state media does not encourage hate and discrimination against any community including the Shia majority of the country.
4. For the United Nations Human Rights Council to request that the Bahraini government cease its policy of stripping Bahraini citizens of their nationality.
5. For the Bahraini government to guarantee equal political and legal rights for its citizens, whatever their religious beliefs.
6. For the Bahraini government to review its educational curriculum to ensure that the teaching of religion and history is not directed against a particular community and teaching should not be used as preaching against other schools of thought and religions.

United Nations A/HRC/28/NGO/9

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human Rights situations that require the Council's attention

Written statement* submitted by the Center for Global Nonkilling, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02860 (E)
1502860

Please recycle

Proposal for UN Korean Armistice Peace Settlement Conference

Seventy years after the arbitrary division of Korea in 1945 and sixty-two years after the July 27, 1953 Korean War Armistice Agreement signed by the Commander-in-Chief of the United Nations Command, the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, it is long overdue to conclude the Peace Settlement called for "within three (3) months" in Articles IV (60) and V (62) through "a political conference of a higher level of both sides." Continuing military and political tensions on the Korean Peninsula require steps to be made following the principles of the UN Charter, which requires members to "settle their international disputes by peaceful means."

The UN became engaged in the Korean War by President Harry Truman's decision to seek a Security Council Resolution for collective action to repel North Korean military action to unify Korea (S/RES/82 and S/RES/83). Now all Korean War combatants are members of the UN, including 21 members of the UN Command, the ROK and DPRK admitted in 1991, and China since 1971. Collectively they can act to establish the peace and human rights for which they fought, for the Korean people who have most at stake, for themselves, and for the world community.

Such a Peace Settlement has already been called for in the *Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea* (A/HRC/25/63) that explicitly states that "the United Nations and the States that were parties to the Korean War should take steps to convene a high-level political conference. Participants in that conference should consider and, if agreed, ratify a final peaceful settlement of the war that commits all parties to the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms. States of the region should intensify their cooperation and consider following such examples as the Helsinki Process."

Absence of the Peace Settlement has contributed to the development of nuclear weapons in North Korea, threats of nuclear counter attack, and periodic bloodshed on land and sea. It has contributed to mutual fear on both sides of the Korean Demilitarized Zone (DMZ), violations of human rights, economic deprivation related to diversion of human and material resources for war-fighting needs, and ecological destruction. Geopolitically it has contributed to insecurity in Northeast Asia involving the two Koreas, China, Japan, Russia, and the United States, and is commonly cited among the world's most dangerous threats to peace.

Four world leaders can initiate UN action to achieve the Peace Settlement called for in the Armistice. Three of them are Korean. First, Nobel Peace Laureate UN Secretary General Ban Ki-moon under Article 99 of the UN Charter can bring to the attention of the Security Council failure to conclude it as a matter that threatens the maintenance of international peace and security. ROK President Park Geun-hye and DPRK Chairman Kim Jong Un can mobilize support. Nobel Peace Laureate US President Barack Obama can join the call for a UN Korean Peace Settlement Conference.

Among anticipated outcomes of the Conference will be to make Korea a nuclear weapon free zone as called for in 1980 by DPRK Chairman Kim IL Sung at the 6th Congress of the Korean Workers Party. Signs of openness by the DPRK government include proposals such as the one disclosed on January 10, 2015 to "create a peaceful climate on the Korean Peninsula." Removal of the state of war among all Korean War combatants will open up universal economic and cultural relations favouring Korean evolution toward mutually desired peaceful unification. Korea can and should become a killing-free nation and model for the world.

This proposal is derived from the "Nonkilling Korea: Six Culture Exploratory Seminar" convened by the Center for Global Nonkilling, a non-governmental organization in special consultative status, at Seoul National University during August 18-19, 2010. The results of the Seminar are reported in the book *Nonkilling Korea: Six Culture Exploration*, edited by Glenn D. Paige and Chung-Si Ahn, co-published by the Seoul National University Press and the Center for Global Nonkilling in 2012. The PDF is available for download at: <http://nonkilling.org/pdf/nkkorea.pdf>. The Center for Global Nonkilling remains fully committed to the development of proposals to catalyze a lasting Peace Settlement on the Korean Peninsula for a killing-free East Asia in a nonkilling world.

United Nations A/HRC/28/NGO/10

General Assembly

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Human Rights Council
Twenty-eighth session
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2015]

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GE.15-02851 (E)

1502851

Please recycle

Unprecedented rise in government restrictions on religious freedom in Bahrain

Khiam Rehabilitation Center for Victims of Torture & BHRO has regarded the results of the international study by the Pew Research Center on global religious hostility, as threatening to the entire human race.

Global religious hostilities, including government restrictions on how individuals can practice their faith and conflicts between religious communities of different faiths, reached a six-year high in 2012, according to the Pew Research Center with a growth of almost 26%.

A third (33%) of the 198 countries and territories included in the study had high religious hostilities in 2012, up from 29% in 2011 and 20% as of mid-2007. Religious hostilities increased in every major region of the world except the Americas. The sharpest increase was in the Middle East and North Africa which are still experiencing the effects of the Arab Spring.

Bahrain has marked an unprecedented rise in religious hostility. Incidents of religious hostility were on a clear rise in all parts of Bahrain especially after the government deliberately demolished 38 Shia mosques, representing almost 5% of the registered mosques in the Ja'afari Directorate.

KRC & BHRO has called on the international community to exert pressure on the Government of Bahrain to adopt international levels to ensure the protection of religious freedoms and provide international permanent monitoring mechanisms for freedom of religion and worship in Bahrain. The Pew Research Report has reported on religious restrictions and hostility on a governmental and social scale measuring hostility on a 10-point index.

The Government Restrictions Index (GRI) measures government laws, policies and actions that restrict religious beliefs and practices. The GRI is comprised of 20 (questions) measures of restrictions, including efforts by governments to ban particular faiths, prohibit conversions, ban worship or processions, limit preaching or give preferential treatment to one or more religious groups, and discriminate against certain religious groups.

The Social Hostilities Index (SHI) measures acts of religious hostility by private individuals, organizations or groups in society.

Although there is a clear rise in the Social Hostilities Index (SHI), the rise in the Government Restrictions Index (GRI) is much higher and more alarming. He has called on the Government of Bahrain to ensure impartial legislation, law enforcement, judicial and administrative processes to guarantee freedom of worship and religious practices without any discrimination

"Religious and sectarian discrimination can lead to frustration, hostility and fanaticism

The Government Restriction Index (GRI) results of the Government of Bahrain have confirmed systematic violations of human rights affiliated with religious beliefs and background, discrimination against religious groups, preferential treatment to certain religious groups and prohibition of religious worship rights for certain religious groups.

GRI No.4 has found that the Government of Bahrain interferes with worship or other religious practices of certain religious groups. A clear rise was reported from 2007 to 2012 after the Government of Bahrain began systematically prohibiting worship or religious practices of certain religious groups in many incidents. The result shows that Bahrain has grown from 0.33 in 2007 to 1.00 (max score) in 2012 confirming that the Government prohibits worship or religious practices of one or more religious groups as a general policy as stated in Pew's report.

GRI No.5 has confirmed that the Government of Bahrain restricts public preaching by certain religious groups. This is a clear indicator of the on-going restrictions on Shia Muslims in preaching their beliefs. The Religious Freedom Unit at the Bahrain Human Rights Observatory has reported 52 Shia preachers and artists being summoned in 2012 and 41 in 2013.

GRI No.8 found the government restricting religious literature or broadcasting. Bahrain scored 1.00 (max score) due to the continuation of restrictions on Shia Muslim publications. On 19 September 2013, the Minister of Justice in Bahrain, Sheikh Khalid bin Ali Al Khalifa, regarded the biggest Shia religious foundation (the Olamaa Islamic Council) as an illegal organization that operates in breach of the Constitution and the Law. The Olamaa Islamic Council delivers Islamic teaching curriculums and lessons in accordance with the Ja'afari school of Islam to thousands since governmental schools and private schools are prohibited by the Ministry of Education from teaching Islamic studies in accordance to the Ja'afari school of Islam.

GRI No.11 confirmed practices of harassment or widespread intimidation towards certain religious groups. The Government of Bahrain scored the maximum score as well (1.00) in GRI No.11 while 2007 results were nil. This significant shift indicates the growth in the level of governmental intimidations to the Shia sect within the country. Governmental owned or financed media played a destructive role in insulting the Shia population and degrading them in official TV and newspapers. The campaign of inciting sectarian hatred against Shias continues. Pro-government social media accounts continue to use abusive and offensive language insulting to Shias. The BICI has stated in November 2011 that some programs in Bahrain's state-run television have incited hatred against the Shia population. Anti-Shi'ism continues to spread throughout Bahrain due to the utilization of official media and governmentally financed media to promote the culture of sectarian intolerance, noting that Bahrain only has one independent newspaper.

Many pro-government journalists writing in governmentally financed newspapers like Al-Watan newspaper (Arabic) have continued to frame Shias as Traitors, Safawis, Unpatriotic, and other degrading disesteemed social frames. State-run TV has failed to respect the cultural heritage, linguistic accent, social background of Shias. In fact, Shias are rarely seen in TV as presenters, actors, or guests.

The GRI index has also found that the Government of Bahrain displayed hostility involving physical violence toward minority or none approved religious groups. It confirmed that the Government of Bahrain did not intervene in cases of discrimination or abuses against religious groups. The GRI also indicated that the Government of Bahrain has formally banned certain religious groups from exercising their worship rights for security reasons as per their justification. Question 17 in the GRI indicated that the some levels within the Government of Bahrain did attempt to eliminate an entire religious group's presence in the country in 2011. 2011 has not only witnessed the demolition of 38 Shia mosques and tens of attacks on Shia places of worship; pro governmental loyalists were publicly calling for purifying Bahrain from the Shia sect. The Pew report also reported in GRI No.19 has used force towards religious groups that resulted in individuals being killed, physically abused, imprisoned, tortured, detained or having their personal or religious properties damaged or destroyed.

GRI 20.2 confirmed that the government practices clear discrimination between religious groups since one religious group or sect has more privileges than the others and/or that government access is unavailable to the other religious groups. The study also confirmed in GRI 20.3 that the government provides funds or other resources for religious education programs and/or religious schools with obvious favoritism to a particular group since Shia Muslims are denied the basic right to teach their children in accordance with the Ja'afari jurisprudence in public and private schools.

United Nations A/HRC/28/NGO/11

General Assembly

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English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Aliran Kesedaran Negara National Consciousness Movement, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02852 (E)

1502852

Please recycle

Crackdown on Human Rights Defenders in Malaysia*

Crackdown on civil society movements calling for human rights reforms

On 8 January 2014, the Secretary General of the Home Ministry declared the Coalition of Malaysian NGOs in the UPR Process (Comango) an "unlawful organisation". The Secretary General claimed Comango was promoting "sexual rights contrary to Islam" and that only 15 of its 54 group members were registered under the Societies Act. In a reversal of their position, the section of the statement declaring the group illegal was later omitted from the statement posted on the Home Ministry's website. But no public statement was made by the Home Ministry regarding the omission.[1] On 10 November 2014, Comango publicly condemned a death threat that was made in a blog post against the Bar Council Human Rights Committee co-chair and human rights defender, Andrew Khoo, for his involvement in the UPR process.[2]

On 10 July 2014, a moderate movement named Negara-Ku, aimed at encouraging racial and religious harmony, was launched by former Malaysian Bar Council president Ambiga Sreenevasan and national poet laureate Datuk A. Samad Said. It has since received the endorsement of over 80 civil society groups.[3] On 26 July 2014, the Home Minister Ahmad Zahid Hamidi declared the group illegal, as it was not registered with the Registrar of Societies (ROS). He stated that the group would be unable to register, as its name was inappropriate due to its perceived similarity to Malaysia's national anthem.[4] As the steering committee of Negara-Ku is composed of only six individuals, it fails to reach the threshold for regulation by the Societies Act of 1966. Despite this, all six members of the Steering Committee of Negara-Ku were called in by the ROS under Section 66(1) of the Societies Act. This is harassment and intimidation with the intent of limiting the right to association of a civil society movement led by human rights defenders advocating unity, human rights and political moderation.

On 15 September 2014, a total of 133 local civil society organisations came together to launch a movement called Gerakan Hapus Akta Hasutan (GHAH)[5] to demand the abolition of the Sedition Act.[6] The unrelenting use of the Sedition Act in 2014 led to an unprecedented march by lawyers on 16 October 2014, to protest against the government's repression and to call for the repeal of the Act. The walk, entitled "Walk for Peace and Freedom" was attended by a crowd of over 2,000 lawyers and members of the public.[7] The movement has been met by resistance from politically conservative groups, who have defended the Sedition Act, arguing that with the Internal Security Act (ISA) repealed, the Sedition Act is needed to prevent "untoward incidents".[8] On 12 October 2014, a peaceful anti-Sedition Act rally organised by GHAH Penang was disrupted by a group of men defending the Act. The group, numbering about 30 people, used abusive language on anti-Sedition Act protesters and aggressively forced them to disperse. The police, who were present, allowed the harassment and violence against GHAH to carry on.

Alarming increase in the use of the Sedition Act to crack down on human rights defenders

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1 Malaysiakini – So is COMANGO illegal or not?, 11 February 2014 - http://www.malaysiakini.com/news/254020
2 COMANGO condemns death threat, stands with Andrew Khoo, 10 November 2014 - http://empowermalaysia.org/isi/uploads/2014/11/10112014-COMANGO-Statement-Andrew-Khoo-dwibahasa.pdf
3 The Rakyat Times – Another two Negara-Ku committee members probed by ROS, 28 September 2014 - http://www.rakyattimes.com/~wolf/index.php/news/1315-another-two-negara-ku-committee-members-probed-by-ros
4 The Malay Mail Online – Negara-Ku an illegal society, Home Ministry says, 26 July 2014 - http://www.themalaymailonline.com/malaysia/article/negara-ku-an-illegal-society-home-ministry-says
5 Meaning to Get Rid of Sedition Act
6 Free Malaysia Today – GHAH goes official with three demands, 15 September 2014 - http://www.freemalaysiatoday.com/category/nation/2014/09/15/ghah-goes-official-with-three-demands/
7 The Malay Mail Online – In rare march, lawyers press Putrajaya to show door on Sedition Act, 16th October 2014 - http://www.themalaymailonline.com/malaysia/article/in-rare-march-lawyers-press-putrajaya-to-show-door-to-sedition-act
8 Yahoo News – Sedition Act more effective than ISA, 5 September 2014 – https://my.news.yahoo.com/blogs/bullbashing/sedition-act-more-effective-than-isa-014707161.html

On 27 September 2014, Prime Minister Najib Razak not only reneged on his pledge to abolish the draconian Sedition Act, he announced that he would "fortify" the Act to protect Islam and other religions as well as to deal with calls for secession in the East Malaysian states of Sabah and Sarawak. The announcement came as a shock as it went against the Prime Minister's electoral pledges in 2012[9] and 2013[10] to repeal the colonial-era law. In 2014 alone, 44 individuals including human rights defenders, human rights lawyers, social activists, elected representatives and students were charged, convicted or placed under investigation for sedition.[11]

The stark increase in the use of the Sedition Act from 2012 to 2015 is alarming and has ignited strong objection from civil society organisations, the Malaysian Bar Council, the National Human Rights Commission (Suhakam) and the public. International institutions including the United Nations[12], the US Embassy[13], Amnesty International, the International Federation for Human Rights (FIDH) and Human Rights Watch have issued public statements condemning the government's blitz to curb freedom of expression.

On 8 September 2014, social activist and part-time student Ali Abdul Jalil, was charged under Section 4(1) of the Sedition Act for a comment he posted on Facebook on 21 January 2014, in which he criticised the Malaysian monarchy, referencing the Sultanate of Johor. He was released on RM5,000 bail but was then immediately re-arrested and taken to the Shah Alam Sessions Court where he was charged with a further two counts under Section 4(1)(c) of the Sedition Act for two postings that he made on Facebook on 18 August 2014, in which he was again openly critical of the monarchy.

On this occasion, Ali Abdul Jalil decided not to post bail because he was told that he would be re-arrested and sent to Johor. Out of fear, he chose to remain in Sungai Buloh prison. Ali was denied access to family members for the first 12 days of detention and during that time, a prison officer allegedly punched his stomach, slapped his face and hit his leg using a baton and a rubber pipe. On 22 September 2014, Ali was re-arrested and brought to Johor Bahru police centre for his fourth sedition investigation. Ali was remanded for another five days and released without charge on 27 September 2014. Appallingly, Ali was again re-arrested for his fifth sedition investigation, remanded for two days and once again released on 29 September 2014 without any charge. On 25 October 2014, Ali fled Malaysia and sought political asylum in Sweden with the assistance of Amnesty International Sweden.

On 19 September 2014, Adam Adli, a law student and activist, was found guilty by the Sessions Court and sentenced to a year's imprisonment. He was charged on 23 May 2013 over remarks he made at a public forum on 13 May 2013, where he urged the public to take to the streets to protest against electoral fraud. Adam is on bail of RM5,000 with a stay of his jail term pending appeal. More recently, on 9 January 2015, activist Hishamuddin Rais was found guilty under Section (4)(1)(b) of the Sedition Act for making remarks at the same forum on 13 May 2013. Hishamuddin Rais had also called upon the people to take to the streets to protest the freshly elected federal government.[14] He was spared imprisonment but was also fined RM5,000.[15] On 12 January 2015, human rights lawyer and founder of "Lawyers for Liberty" Eric Paulsen was arrested by 20 policemen and interrogated under the Sedition Act for a comment he made on Twitter.[16]

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9 The Malaysian Insider – Najib: Sedition Act to be repealed, 11 July 2012 - http://www.themalaysianinsider.com/malaysia/article/najib-sedition-act-to-be-repealed

10 British Broadcasting Corporation (BBC) News – Malaysia PM Najib Razak makes sedition pledge, 2 July 2013 - http://www.bbc.com/news/world-asia-23145379

11 Under the Sedition Act, those who commit an offence can be fined up to 5,000 Ringgit and/or imprisoned for up to 3 years, whereas a second offence carries a sentence of up to 5 years imprisonment.

12 United Nations: Office of the High Commissioner for Human Rights – Malaysia Sedition Act threatens freedom of expression by criminalising dissent, 8 October 2014 - http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15144&

13 The Malaysian Insider – US concerned with Putrajaya's use of Sedition Act, says embassy, 17 October 2014 - http://www.themalaysianinsider.com/malaysia/article/us-concerned-with-putrajayas-use-of-sedition-act-says-embassy

14 The Malaysian Insider – Activist Adam Adli found guilty of sedition, jailed a year, 19 September 2014 - http://www.themalaysianinsider.com/malaysia/article/activist-adam-adli-found-guilty-of-sedition

15 The Malaysian Insider – Activist Hishamuddin Rais found guilty of sedition, 9 January 2015 - http://www.themalaysianinsider.com/malaysia/article/activist-hishamuddin-rais-found-guilty-of-sedition

16 The Malaysian Insider – Human rights lawyer Eric Paulsen arrested in sedition probe, 12 January 2015 - http://www.themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-arrested-in-brickfields

Human rights defenders and the environment

Prior to the one year anniversary of the two blockades set up by indigenous communities in Baram, Sarawak to stop the construction of the Baram dam, a team of Forestry Department officers and personnel backed by over 30 armed police from the General Operation Force (GOF), used force to dismantle the Long Kesseh blockade on 21 October 2014. The heavy presence of armed police officers with machine guns was clearly an act of intimidation against the indigenous people who objected to the proposed Baram hydroelectric dam.

On 27 October 2014, the police and Forestry Department officers set up their own camp in the area to stop the villagers from entering Long Kesseh. Ever since then, there has been a constant tussle of dismantling and removal of blockades between the authorities and the Baram communities.

On 21 June 2014, police obtained a seven-day court injunction to prevent a blockade called by Himpunan Hijau which was to begin on 22 June 2014 at the main entrance to Lynas Corporation's rare earth refinery in Gebeng, Pahang. The injunction prohibited anyone from getting within 20 metres of the plant. Despite police intimidation, some 1000 individuals arrived at the refinery on 22 June 2014. While the assembly was carried out peacefully, the police still instructed the protestors to disperse within 10 minutes. The police then allegedly resorted to forcefully pushing and beating the protesters when they refused to leave the area. A total of 16 protestors were apprehended, including Himpunan Hijau chairperson Wong Tack, an activist from New Zealand, Natalie Lowrey, and Teluk Intan Democratic Action Party chief Hew Kuan Yau.

On 9 July 2014, 15 of the protesters were charged at the Session Court under the Penal Code for unlawful protest and use of force during the protest. They were then released on bail but the court ordered the accused to report to the police once every month and imposed a gag order on them, banning them from discussing their case. On 3 September 2014, Natalie Lowrey was denied entry into Malaysia.

Conclusions

In light of the above, Aliran calls upon the United Nations:

- to immediately condemn the unacceptable human rights violations presently taking place in Malaysia.

- to call on the Malaysian government to:

  - immediately stop all intimidation and drop all charges against human rights defenders;
  - repeal draconian laws such as the Sedition Act 1948 and the Peaceful Assembly Act 2012, that negatively affect human rights defenders in the country;
  - allow the UN Special Rapporteur on Human Rights Defenders to visit Malaysia to carry out an independent inquiry and that the Malaysian government fully facilitate their investigation

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*Suara Rakyat Malaysia (Suaram), an NGO without consultative status, also share the views expressed in this statement.

United Nations A/HRC/28/NGO/12

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Human Rights Council
Twenty-eighth session
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Human rights bodies and mechanisms

Written statement* submitted by the Japan Federation of Bar Associations, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02853 (E)

1502853

Please recycle

Opinion concerning the draft United Nations declaration on the right to peace

Purpose of the opinion

The Japan Federation of Bar Associations (the "JFBA") expresses its opinions concerning the draft declaration on the right to peace which is currently under deliberation at the United Nations Human Rights Council, taking its stance of agreeing with the draft made by the United Nations Human Rights Council Advisory Committee on which the ongoing deliberation is based:

1. peace should be considered not only as a principle or a purpose of the international community, but also as rights of individuals;
2. the declaration on the right to peace should be determined by the United Nations Human Rights Council, and be adopted by the General Assembly of the United Nations (the "UN"); and
3. the draft declaration on the right to peace should include details of human rights concerning peaceful life which have not been mentioned in other existing international human rights treaties.

Reasons for the JFBA's opinions

1. Development of peace as rights of individuals to demand peace as well as its consideration as a principle and a purpose

Some say that international peace should be addressed by other UN agencies and be left to intergovernmental consultations, and thus is not necessary to be structured as rights.

However, since national governments tend to give priority to national interest and diplomatic relations, individuals' interests may be disregarded if international peace is only addressed by other UN agencies, and is left to intergovernmental consultations.

In light of the lessons learned from the World War II which was provoked by the action of the government, the Constitution of Japan declared the right to live in peace as the right of all peoples of the world in its Preamble: "[w]e, the Japanese people, (partially omitted) resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution". This clearly shows the manifestation of importance in establishing the right of individuals to live in peace, free from fear and want, in order not to repeat the horrors of war.

This is based on the belief that war can be deterred if the right to live in peace is established for individuals who are potential victims of war.

The Preamble of the Constitution, which declares that all peoples of the world have the right to live in peace, shows that peace should be regarded as rights for attaining international peace at the international level.

2. Adoption of the UN declaration on the right to peace

The right to peace was affirmed in the UN decisions, including a resolution of the "Declaration on the Preparation of Societies for Life in Peace" adopted by the General Assembly in 1978[1], a resolution of the "Right of peoples to peace" adopted by the General Assembly in 1984[2], and resolutions of promotion on the right of peoples to peace which were adopted by the UN Human Rights Council since 2008[3].

Some believe that the peace issues should be addressed solely at the UN Security Council. The problem here is that although it is individuals who are most affected by destruction of peace, the UN Security Council is a

[1] "Declaration on the Preparation of Societies for Life in Peace" (A/RES/33/73).
[2] "Right of peoples to peace" (A/RES/39/11).
[3] "Promotion on the right of peoples to peace" (A/HRC/RES/8/9, A/HRC/RES/11/4, A/HRC/RES/14/3, A/HRC/RES/17/16, A/HRC/RES/20/15, A/HRC/RES/23/16).

mechanism that discusses and determines maintenance and realization of peace among nations, and thus does not directly reflect viewpoints and interests of individuals. Guaranteeing the right to peace as a right of individuals has great significance in that it makes possible the attainment of peace through a democratic process based on the will of those individuals calling for peace.

The declaration on the right to peace should be thus determined by the UN Human Rights Council, and be adopted by the General Assembly of the UN.

3. Inclusion of details of human rights concerning peaceful life in the draft declaration on the right to peace which have not been mentioned in other existing international human rights treaties

The right to live in peace without a threat of war or other horrors has been long recognized as one of fundamental freedoms in international laws of human rights as well. Prior to the establishment of the UN, United States President Franklin Roosevelt proposed "freedom from fear" as one of fundamental freedoms for people in the 1941 State of the Union address known as the Four Freedoms speech. Also, in the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, the preamble evidently declares "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people". Around the same time, this trend was followed by the Constitution of Japan which provides in the Preamble that "[w]e recognize that all peoples of the world have the right to live in peace, free from fear and want".

Meanwhile, "freedom from fear" was not mentioned in detail in human rights treaties, including the International Covenants which was expected to embody the Universal Declaration of Human Rights. In order for people to be free from fear, it is vital to implement a number of human rights such as the right to urge a government not to wage war, the right not to be involved in war that a government commences, the right to urge a government to act for prevention and termination of conflicts, and the right to receive relief for war damage. However, these rights concerning peaceful life with unique values have not been elaborated in international conventions pertaining to human rights.

In order to achieve "freedom from fear", it is therefore essential to draft and approve a declaration which proclaims "the right to live in peace" and detailed human rights which derive from such right. This has been supported by practice in the international community and in each country.

The practice in the international community includes: the adoption of the Istanbul Declaration which proclaimed the right to lasting peace as a human right at the Red Cross international conference in 1969[4]; the resolution of the then-UN Commission on Human Rights in 1976 which declared the right to live in peace, stating that "everyone has the right to live in conditions of international peace and security"[5]; and, subsequently, the approval of resolutions pertaining to the right to live in peace by the UN General Assembly in 1978[6] and in 1982[7].

The practice of domestic cases can be seen in court cases in Japan where the right to live in peace was recognized as a concrete right.

In the Naganuma case where residents around bases of the Self Defense Forces (the "SDF") argued that the existence of the SDF bases infringed on the right of residents to live in peace, the Sapporo District Court ruled that the right to live in peace was a constitutional right in 1973[8].

In a lawsuit challenging the constitutionality of the deployment of the SDF to Iraq, although the Nagoya High Court did not recognize the infringement of the right to live in peace, it made a proactive ruling concerning the right to live in peace in 2008[9], stating that "from the fact that the fundamental human rights presently guaranteed by the Constitution could not exist without a foundation of peace, the right to peaceful existence is a fundamental right

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[4] 21st International Conference of the Red Cross and Red Crescent, Resolution 19: Istanbul Declaration, Istanbul, 1969, at 104 International Review of the Red Cross, pp. 620-621.

[5] UN Commission on Human Rights, Resolution 5 (XXXII), 27 February 1976.

[6] See supra note 1.

[7] "Human Rights and Scientific and Technological Developments," UN Doc A/RES/37/189 A, 18 December 1982, para. 6.

[8] The judgment of the Sapporo District Court dated September 9, 1973. Legal standing was denied on the appeal court.

[9] The judgment of the Nagoya High Court dated April 17, 2008. It became a final judgment without being appealed.

which underlies all basic human rights and by virtue of which we can enjoy those right". It further affirmed that the right to peaceful existence included the right not to take part in war as well as the right not to be involved in war.

Also, according to the ruling of a similar case concerning the deployment of the SDF to Iraq by the Okayama District Court in 2009, the court provided further substance of the right to peaceful existence, including the right to refuse conscription, the right to refuse military service for reasons of conscience, and the right to refuse labor in the munitions industry[10].

Thus, as seen in the examples of the practice in Japan, some court cases show that the right to live in peace is enforceable as a standard for legal judgment.

The right to live in peace and detailed rights that derive from such right, which were recognized in the lawsuits in Japan, should be affirmed as rights which can add unique value to the human rights already recognized in the international conventions pertaining to human rights. The draft declaration on the right of peoples to peace should include such details of human rights concerning peaceful life which have not been mentioned in other existing international human rights treaties.

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[10] The judgment of the Okayama District Court dated February 24, 2009. It became a final judgment without being appealed.

United Nations A/HRC/28/NGO/13

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Human Rights Council
Twenty-eighth session
Agenda item 5
Human rights bodies and mechanisms

Joint written statement* submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status, American Civil Liberties Union, Amnesty International, Human Rights Watch, International Federation for Human Rights Leagues, non-governmental organizations in special consultative status, Article 19 - The International Centre Against Censorship, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02854 (E)

1502854

Please recycle

Call to establish a UN Special Rapporteur on the right to privacy*

At the 28th ordinary session, the Human Rights Council has the opportunity to create a new mandate of UN Special Rapporteur on the right to privacy, thereby strengthening the protection and promotion of the right to privacy at the international level and enabling the Council to play a leading role in this respect.

The UN General Assembly, the UN High Commissioner for Human Rights and existing special procedure mandate holders have all recognized the pressing need for continuous, systematic and authoritative guidance on the scope and content of the right to privacy as enshrined in Article 12 of the Universal Declaration on Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR.)[1] Significantly, all of them have identified the need to monitor the ongoing implementation of the right to privacy.

During the September 2014 Human Rights Council's panel discussion on the right to privacy in the digital age many states and other stakeholders also emphasized the need for sustained and systematic analysis, research, and monitoring on the right to privacy.[2]

The creation of a Special Rapporteur on the right to privacy would respond to such a need. It would also be a logical, incremental step to the Human Rights Council's engagement on this issue and it would ensure that the right to privacy remains on the Council's agenda and engages the level of priority ascribed by the Council to other human rights.

A Special Rapporteur would play a critical role in furthering common understandings on the right to privacy and provide a considered and substantive interpretation of the right across a variety of settings, drawing on the input of all stakeholders. The mandate holder would also provide states and other stakeholders with much needed authoritative guidance and technical assistance to support them in fulfilling their obligations to respect and protect the right to privacy.

Significantly, a Special Rapporteur would monitor and publicly report, in an on-going and systematic way, on states' implementation of their international obligations in relation to the right to privacy; consider impact by actions and inactions of non-state actors; independently investigate reports of violations wherever they may occur, including individual cases; and make recommendations to governments and other actors to strengthen the protection of individual's right to privacy.

Within the UN system, a Special Rapporteur would enable the Human Rights Council to provide the necessary leadership in identifying and clarifying principles, standards, and best practices on the right to privacy.

Existing thematic Special Rapporteurs have expressed strong support for the creation of a dedicated special procedure on the right to privacy. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the promotion and protection of human rights and fundamental

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1 Article 12 of the UDHR states: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." Article 17 of the ICCPR states: "1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks."

2 Summary of the Human Rights Council panel discussion on the right to privacy in the digital age, UN doc. A/HRC/28/39, 19 December 2014.

freedoms while countering terrorism have all addressed some aspects of privacy in their reports.[3] These reports help identify some of the challenges that modern communications technologies pose to the right to privacy. Significantly, they also point at the need for in-depth study of issues related to the effective protection of the right to privacy, as well as systematic monitoring and reporting, something that existing mandates centered on other themes cannot be expected to deliver. In fact, when presenting his report to the UN General Assembly in October 2014, the UN Special Rapporteur on counter-terrorism and human rights reaffirmed his support for the adoption by the Human Rights Council of a new special procedure mandate specifically addressing the right to privacy.[4]

Establishing a Special Rapporteur on the right to privacy would not only fill this institutional gap in human rights protection, it would allow for the development of a coherent and complementary approach to the interaction between privacy, freedom of expression, and other human rights.

The UN General Assembly resolution on the right to privacy in the digital age - adopted by consensus on 18 December 2014 - encourages the Human Rights Council to consider the possibility of establishing a special procedure on the right to privacy.[5] We recommend that the Council takes up this invitation and establishes a Special Rapporteur with a mandate to provide guidance and monitor the implementation of the right to privacy as enshrined in Article 12 of the UDHR and Article 17 of the ICCPR, in all its aspects.

In recent years international attention on the issue of privacy has tended to focus on the growth of digital communications and the parallel growth of states' and companies' capacity to interfere with individual's privacy in the context of digital communications and state digital surveillance. However, the right to privacy covers a range of other issues that are not currently within the purview of existing special procedures' mandates. Limiting the mandate of a new Special Rapporteur to privacy issues related to modern communications in the digital sphere would fail to recognize the need to respect and protect the right to privacy in all circumstances. A narrow mandate would likely result in fragmentation of the protection afforded to the right to privacy.

To effectively fulfill its role, we recommend that the Human Rights Council mandates the Special Rapporteur on the right to privacy to perform the full range of functions usually envisaged by the Council for other existing thematic special procedures, such as documenting best practices; receiving and seeking information from states, civil society, business enterprises, individuals and other stakeholders; carrying out country visits; leading and participating in consultation with relevant stakeholders; making recommendations to States and other stakeholders on the implementation and realization of right to privacy; and reporting periodically to the Council and the General Assembly.

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* Brennan Center for Justice, Center for Democracy and Technology, Electronic Frontier Foundation, Privacy International, NGO(s) without consultative status also share the views expressed in this statement.

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3 See, for example, UN Special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report to the UN Human Rights Council, UN doc. A/HRC/23/40, 17 April 2013 and UN Special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the UN General Assembly, UN doc. A/69/397, 23 September 2014.

4 Third Committee of the UN General Assembly, meeting of 23 October 2014, http://www.un.org/press/en/2014/gashc4109.doc.htm

5 See UN General Assembly resolution on the right to privacy in the digital age, 18 December 2014, where the General Assembly "*encourages* the Human Rights Council to remain actively seized of the debate, with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy, and to consider the possibility of establishing a special procedure to that end." (UN doc. A/RES/69/166)

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Human rights bodies and mechanisms

Joint written statement submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status, American Civil Liberties Union, Amnesty International, Human Rights Watch, International Federation for Human Rights Leagues, non-governmental organizations in special consultative status, Article 19 - The International Centre Against Censorship, non-governmental organizations on the roster

Corrigendum

Page 3

The footnote indicated by an asterisk on page 3 *should read*

* Access, the Brennan Center for Justice, the Center for Democracy and Technology, the Electronic Frontier Foundation and Privacy International, non-governmental organizations without consultative status that also share the views expressed in the present statement.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Foundation of Japanese Honorary Debts, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Japan's war crimes

In January 2015 CNN and NHK quoted the Prime Minister of Japan as saying, regarding the beheadings by Islamic State of two Japanese hostages:

"We are deeply saddened by this despicable and horrendous act of terrorism and we denounce it in the strongest terms. To the terrorists, we will never, never forgive them for this act."

In stating this, did the Prime Minister of Japan realize that the Japanese Military violated human rights in exactly the same way during World War II? The Japanese military used the beheading of innocent civilians and soldiers as a way to suppress and to frighten the people of the occupied territories in South East Asia.

Was the statement by the Japanese Prime Minister a political one or was it the beginning of Japans' acknowledgement of the human rights violations during World War II by Japanese military in South East Asia?

At that time, Netherlands citizens in the former Netherlands East Indies (now Indonesia) were subjected to organised terror by the military, including but not limited to enforced sex slavery and other forms of slavery, torture, intimidation, harsh disciplines, systematic starvation and denial of medicine. Many died. Of the surviving victims many suffered from incurable disorders. All cannot forget their ordeal and continue to live with traumas and other health problems.

Among the surviving victims some lost one or more relatives because they were beheaded by the Japanese Military. The pictures of the beheaded Japanese hostages that were posted by IS in January 2015 remind them of these cruel acts and reinforce their demands that Japan acknowledge their war crimes during World War II.

Between 1945 and 1951 Allied Military Court-Martials throughout the Far East condemned 920 Japanese military to death and sentenced some 3,000 others to prison terms. The accused had been found guilty of war crimes. From 1946 to 1948 the International Military Tribunal of Tokyo tried and sentenced 25 "major" Japanese war criminals – TOJO and company – for plotting and waging the Pacific War. In Netherlands East Indies (now Indonesia) during 1946 – 1948 the Temporary Courts Martial tried 986 persons excluding minor war criminals. The Temporary Court Martial of Batavia tried 111 war criminal cases with 352 defendants. 64 received the death penalty.

Many cases were tried by the Batavia Court Martial including the well-known Semarang case: coercion into prostitution of Netherlands girls and women forcefully recruited by the Japanese military from concentration camps.

A substantial number of cases tried by the Batavia Court concern the way in which Japanese military commanders administrated a regime of terror and maltreatment in the POW and civilian camps. When the end of the war came in sight Tokyo Headquarters issued the order to kill all, leave no traces, to cover up the violations of human rights methodically carried out by the Japanese military.

Other cases concern the Kempeitai Java. Their prime objective was to enforce confessions from arrested suspects through systematic terror and torture and involved local people in the process. The Martial Court Batavia spent considerable time on the Kempeitai Bondowoso/Djember case. 18 members of the Kempeitai Djember were accused. 2 were acquitted, the others were declared guilty. 6 were condemned to the death penalty and the other 10 got long prison sentences.

The Djember Kempeitai investigated espionage and the preparation for a possible landing by Allied forces in East Java. They rounded up some 30 suspects, who were interrogated by the Kempeitai. At the same time the Kempeitai in Djember investigated alleged espionage by a number of planters (owners or employees of agricultural enterprises).

The results of both investigations were delivered to the Kempeitai headquarters and the headquarters of the 16th Japanese army, both in Batavia. Shortly thereafter the commanding officer of the Kempeitai in Djember received the order to execute them all.

The Kempeitai used the most horrendous methods of torture and intimidation to extract confessions. The Court concluded that the Kempeitai Djember was the worst of all the Kempeitai offices. In accordance with the The Hague convention of 1907 they violated the laws and customs of war and other internationally accepted conventions and routinely committed war crimes of the worst kind.

Members of the Foundation of Japanese Honorary Debts demonstrate each second Tuesday of the month at the Japanese Embassy in The Hague, The Netherlands. During the demonstration the Board is received by the Ambassador handing over a petition, already 243 in number, addressed to the Prime Minister of Japan requesting acknowledgment of the plight of the Netherlands citizens from former Netherlands East Indies and seeking acceptance of the moral obligation of Japan to redress its past. The Prime Minister of Japan has up to now never responded to any of these petitions.

The present Prime Minister of Japan Mr. Shinzo Abe is well aware of the violations by the Imperial Army of Japan during World War II. He appears to want to cover these up by starting a public relations campaign in marking the end of World War II as "70 years since atomic bombings", forgetting the Asian Holocaust the Japanese military caused in South East Asia.

In the February 2015 petition by the Foundation of Japanese Honorary Debts addressed to the Japanese Prime Minister we express our condolences for the barbaric beheading of the Japanese hostages by IS. At the same time we ask the Japanese Prime Minister not to forget the needs of those Netherlands survivors who suffer from the same traumatic memories as the families and friends of the Japanese beheaded hostages.

Japan continues to deny responsibility on the grounds that they were absolved by the 1951 San Francisco Peace Treaty. However violations of the 1907 The Hague Convention IV, respecting the Laws and customs of War on Land does not absolve Japan to admit guilt, apologize and pay compensation to the individual victims.

The Foundation of Japanese Honorary Debts on behalf of all the victims of Japanese military suppression and terror, requests the Human Rights Council, with reference to the recent statement by the Japanese Prime Minister regarding the beheading of Japanese hostages by Islamic State, to ensure that Japan accepts immediate responsibility for similar terrorist acts and violations of human rights during the occupation of South East Asia by the Japanese military and accepts that the 1907 The Hague convention was then and is still applicable.

United Nations A/HRC/28/NGO/15

General Assembly

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

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Written Statement Regarding the Ongoing Violations of Saeed Abedini's Human Rights by the Islamic Republic of Iran

One of the principle aims of the United Nations, as expressed in the preamble of the 1945 United Nations Charter, is "to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person"[1]. It is for this reason that the United Nations Human Rights Council ("UNHRC") holds member states accountable for those significant violations of human dignity that run contrary to this aim.

The European Centre for Law and Justice ("ECLJ") would like to draw the Council's attention once again to the situation of Saeed Abedini (also known as Saeed Abedinigalangashi) and especially to the Islamic Republic of Iran's continued disregard for Mr. Abedini's basic human rights. Over the last two years, Mr. Abedini was: (1) arrested and imprisoned by Iranian Revolutionary Guard; (2) repeatedly beaten in prison; (3) denied access to his attorney until mere hours before his trial; (5) given a sham trial before a judge so notoriously biased and corrupt that he was condemned by the European Union for issuing egregious verdicts; (6) disallowed, along with his counsel, from attending the second day of his trial; and (7) sentenced to eight years in prison for exercising his Christian faith. The ECLJ holds this information from direct sources.

As a Member State of the UN, the Islamic Republic of Iran is obligated to adhere to norms set forth in the UN Charter, such as those requiring members "[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion"[2]. By trying and imprisoning Mr. Abedini because of his religious expression, peaceful association, and assembly of religious believers, the Islamic Republic of Iran is violating its obligations under the UN Charter and Mr. Abedini's fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association. Therefore, these violations concern not only the Islamic Republic of Iran and every Member State, but every agency of the UN.

Despite recommendations from the UNHRC Working Group on Arbitrary Dentition, which found his detention in violation with international covenants and urged his immediate release, the Islamic Republic of Iran has continued to detain Mr. Abedini in Rajaei Shahr prison while denying him access to necessary medical care. These actions are an affront to Mr. Abedini's dignity and worth as a human being that require urgent attention.

Mr. Abedini has been imprisoned in the Islamic Republic of Iran since 2012, when he was arrested solely for exercising his fundamental right of religious freedom. Early in his imprisonment, Mr. Abedini suffered internal injuries from prison beatings that have remained untreated to this day. Worse, authorities have repeatedly taken him to hospitals where, instead of allowing him to receive treatment, he has been subjected to mental and physical abuses including being shackled, beaten, and paraded around a hospital in a prison uniform reserved for murderers.

Mr. Abedini began suffering from severe pain in early 2013, but prison medical staff at Evin Prison initially refused to treat him, saying that he was "unclean" and "an infidel". In March of that year, three doctors visited Mr. Abedini and reported to his family that he should be taken to a hospital and treated for internal injuries. On 8 April 2013, Mr. Abedini was taken to a private hospital where, instead of receiving treatment, he was mockingly paraded around the hospital in a prison uniform reserved for murderers. He was sent back to Evin Prison without any medical attention. On 20 July 2013, Mr. Abedini was taken again to a private hospital, and this time was examined by a physician who indicated that his internal injuries were severe. The physician reported that a large wound had been found in Mr. Abedini's digestive tract and the amount of scar tissue in the wound's vicinity indicated that it had re-opened several times. He recommended that Mr. Abedini obtain ongoing medical treatment until his injuries could heal. However, Mr. Abedini was sent back to prison where he did not receive ongoing medical care. After his transfer to Rajaei Shahr

[1] U.N. Charter, Preamble.

[2] U.N. Charter art. 1, para. 3. See also Articles 55 and 56 of the UN Charter.

prison in November 2013, several doctors who have examined Mr. Abedini have prescribed surgery for his internal injuries. But at the time of this statement, the Iranian government has refused this necessary medical treatment.

The Islamic Republic of Iran is signatory to both the United Declaration of Human Rights ("UDHR") and the International Covenant on Civil and Political Rights ("ICCPR"). Each of these covenants obligates the Islamic Republic of Iran to honor Mr. Abedini's fundamental rights by releasing him from his arbitrary detention and providing him access adequate medical care.

By ratifying the UDHR, a member state pledges that it will not subject any person to cruel, inhuman, or degrading treatment or punishment.[3] Signatory states also agree, in Article 25, that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including . . . medical care"[4]. Imprisonment (and especially arbitrary detention) does not exempt a person from being afforded these basic human rights that affirm the worth and dignity of every human person. The Islamic Republic of Iran's decision to continue detaining Mr. Abedini without treating his injuries violates the ICCPR. Like the UDHR, the ICCPR proscribes cruel, inhuman, or degrading treatment or punishment.[5] The ICCPR also provides the right of liberty and security for every person and declares that none shall be subjected to arbitrary arrest or detention.[6]

The United Nations has assessed Mr. Abedini's situation multiple times in light of these international obligations. On 26 August 2013, the Working Group on Arbitrary Detention condemned Mr. Abedini's imprisonment as arbitrary because it resulted solely from the exercise of a freedom guaranteed by the UDHR.[7] Specifically, the Islamic Republic of Iran imprisoned Mr. Abedini for rights that are guaranteed to him by Articles 18 and 19 of the UDHR, which provide that all have the right to hold and express opinions without interference.[8] In its report, the Working Group urged the Islamic Republic of Iran to comply with its international obligations under the UDHR and the ICCPR by releasing Mr. Abedini. The Working Group transmitted its allegations to the Islamic Republic of Iran on 21 June 2013, but the government did not respond nor has it complied with these recommendations.[9]

By continuing to detain Mr. Abedini and deny him access to necessary medical treatment, the Islamic Republic of Iran fails to uphold its international obligations as well as basic principles of human dignity. The Islamic Republic of Iran's failure to remedy its egregious abuse of Mr. Abedini's fundamental rights (especially that of religious freedom and freedom to access basic medical care) is magnified by its failure to respond to the recommendations of this human rights body. For the Islamic Republic of Iran to release Mr. Abedini and allow him access to proper medical care would be a simple step for the government, but its effect would be a significant reaffirmation of human worth and dignity.

In light of the foregoing, we recommend that the UNHRC:

- Condemn the practises in the Islamic Republic of Iran that prevent individuals from freely choosing and practicing their own religion, which includes religious expression, peaceful assembly, and the right to associate with other believers.

- Call on the Islamic Republic of Iran to recognise its obligations under the UDHR and ICCPR, and to honor the findings of the UNHCR's Working Group on Arbitrary Detention and release Mr. Abedini.

- Request that the Islamic Republic of Iran allow Mr. Abedini immediate access to necessary medical treatment at a private facility with appropriate time to convalesce.

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[3] Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 5, U.N. Doc. A/RES/60/1 (10 Dec. 1948).
[4] Id. art. 25.
[5] International Covenant on Civil and Political Rights, art. 7, 16 Dec. 1966, 999 U.N.T.S. 171.
[6] Id. art. 9.
[7] Opinions adopted by the Working Group on Arbitrary Detention at its sixty-seventh session, U.N. Doc. A/HRC/WGAD/2013 (21 Oct. 2013).
[8] See also article 2 ("Each State Party . . . undertakes to respect and to ensure to all individuals . . . the rights recognized in the present Covenant, without distinction of any kind, such as . . . religion.").
[9] Id.

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